

OFFICE OF THE SECRETARY

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February 27, 2009

The Honorable Janet Napolitano
Secretary of Homeland Security
U. S. Department of Homeland Security
Nebraska Avenue Center, N.W.
Washington, DC 20528

Dear Ms. Napolitano:

I would like to begin by extending my heartfelt congratulations to you as you embark on your new duties in service to our country. I extend my warm welcome to you as a partner in our efforts to keep our citizens safe. Governor Schwarzenegger tells me that you and he recently had a fantastic meeting, and the California Department of Corrections and Rehabilitation will work with your department in that spirit.

We face the challenge of keeping the public safe in the midst of a difficult economic environment. Like many states, California's budget resources are limited. But unlike any other state, California faces the unique challenge of employing those scarce resources to manage the largest prison and parole population in the country. That population includes approximately 20,000 deportable criminal aliens serving sentences inside our institutions for whom California receives little more than 11 percent of our costs reimbursed to us from the federal government through the State Criminal Alien Assistance Program. Furthermore, we must manage our prison population under increasingly overcrowded conditions. Those conditions have forced California to brace for the possibility that a federal court may order the release of tens of thousands of our state prison inmates.

Against that backdrop, it is imperative that California manage its resources as wisely and efficiently as it can while protecting public safety. To that end, California is implementing a new policy to discharge from parole the approximately 12,000 criminal aliens who have served their full state prison sentences and, upon release to parole, have been deported by the federal government. Previously, California had retained those criminal aliens on parole, even after their deportation. That led to the frequent use of short stints in prison — often only a few months — to punish those criminal aliens who illegally returned to California and committed additional crimes. Those short prison stints are not punishment enough for these repeat offenders, yet they cost California

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millions every year to recycle them through our parole process, exacerbating the crowded conditions inside our prisons. California can no longer afford this practice.

We hope that the federal government will partner with us in the implementation of our new policy by prosecuting those criminal aliens who continue to illegally reenter our country to commit crimes. Federal law provides penalties up to ten years in prison for such criminals. Such punishment, not short parole violation terms, is appropriate for these offenders.

We hope to have your support in our efforts to protect our citizens. If you have questions, please contact me at (916) 323-6001.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew L. Cate", followed by a long, horizontal flourish.

MATTHEW L. CATE
Secretary